

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SARAH OLSON f/k/a/ Sarah Grinenko,  
  
Plaintiff,  
  
v.  
  
OLYMPIC PANEL PRODUCTS, LLC, a  
Washington State Limited Liability Company,  
et al.  
  
Defendants

NO. C07-5402

DECLARATION OF LEWIS L.  
ELLSWORTH IN SUPPORT OF  
OLYMPIC PANEL PRODUCTS'  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT DISMISSING SELECTED  
CLAIMS

NOTED FOR: NOVEMBER 21, 2008

I, LEWIS L. ELLSWORTH, declare as follows:

1. I am the Attorney of Record for Defendant Olympic Panel Products, LLC ("Olympic" or "OPP"). I make this declaration based on my own personal knowledge.

2. Attached hereto as Exhibit A are true and correct copies of transcript excerpts taken from the deposition of Sarah Olson on October 16, 2008.

3. Attached hereto as Exhibit B are true and correct copies of transcript excerpts taken from the continuing deposition of Randy Ward on July 25, 2008.

ELLSWORTH DECL IN SUPP OLYMPICS' MOTION FOR - 1 of 2  
PARTIAL SUMMARY JUDGMENT ON SELECTED CLAIMS  
(C07-5402 BHS)  
[1427921 v1.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
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1 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
2 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

3 Signed this 28<sup>th</sup> day of October, 2008, in Tacoma, Washington.

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6 LEWIS L. ELLSWORTH

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26 ELLSWORTH DECL IN SUPP OLYMPICS' MOTION FOR - 2 of 2  
PARTIAL SUMMARY JUDGMENT ON SELECTED CLAIMS  
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UNITED STATES DISTRICT COURT  
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AT TACOMA

SARAH OLSON f/k/a Sarah Grinenko, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. C07-5402 BHS  
 )  
 OLYMPIC PANEL PRODUCTS, et al., )  
 )  
 Defendants. )  
 )  
 )

## DEPOSITION OF SARAH OLSON

October 16, 2008  
Shelton, Washington

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# EXHIBIT A

<p style="text-align: right;">Page 17</p> <p>1 THE WITNESS: I did go see</p> <p>2 Dr. Hawkins.</p> <p>3 <b>Q (By Mr. Ellsworth) Was Dr. Hawkins a doctor you saw for</b></p> <p>4 <b>treatment, or a doctor that you saw with respect to this</b></p> <p>5 <b>litigation?</b></p> <p>6 A It was supposed to be for both, but I could not afford</p> <p>7 him.</p> <p>8 <b>Q Did Dr. Hawkins provide any treatment to you?</b></p> <p>9 A No, he did not.</p> <p>10 <b>Q Do you have a current family doctor?</b></p> <p>11 A I do not have a current family doctor, no.</p> <p>12 <b>Q I want to ask you some questions that are specific to</b></p> <p>13 <b>your lawsuit.</b></p> <p>14 MR. BONIN: Objection to the form of</p> <p>15 the question.</p> <p>16 <b>Q (By Mr. Ellsworth) You have alleged that Dwight Midles</b></p> <p>17 <b>and Mel Matson disclosed confidential information about</b></p> <p>18 <b>you to employees at OPP.</b></p> <p>19 <b>What did they disclose?</b></p> <p>20 A They disclosed -- Mel Matson disclosed to Toinette Wines</p> <p>21 about what had happened to me, and he's told her that she</p> <p>22 should talk to me. And then when I got back, he told me</p> <p>23 that he had told Toinette Wines, and that she would be a</p> <p>24 good person to talk to.</p> <p>25 <b>Q Who did Dwight Midles make any disclosures to?</b></p>	<p style="text-align: right;">Page 19</p> <p>1 A Everybody knew about it.</p> <p>2 <b>Q When you had a leave of absence and you came back to</b></p> <p>3 <b>work --</b></p> <p>4 MR. BONIN: Object to form.</p> <p>5 <b>Q (By Mr. Ellsworth) -- did you talk with Mel Matson after</b></p> <p>6 <b>you came back to work, after the leave of absence you</b></p> <p>7 <b>requested?</b></p> <p>8 MR. BONIN: Object to the form.</p> <p>9 THE WITNESS: I talked to Mel Matson.</p> <p>10 I gave him the police report that he and Dwight had</p> <p>11 requested, and I went back to work after he had told me</p> <p>12 about Toinette Wines.</p> <p>13 <b>Q (By Mr. Ellsworth) Did he tell you why he had allegedly</b></p> <p>14 <b>told Toinette Wines about your situation?</b></p> <p>15 MR. BONIN: Object to the form of the</p> <p>16 question. Asked and answered.</p> <p>17 THE WITNESS: He had told me that she</p> <p>18 would be a good person to talk to.</p> <p>19 <b>Q (By Mr. Ellsworth) Did you understand he was trying to</b></p> <p>20 <b>be helpful to you?</b></p> <p>21 MR. BONIN: Object to the form of the</p> <p>22 question. Leading.</p> <p>23 THE WITNESS: I believe he was telling</p> <p>24 personal information that he should have never told in</p> <p>25 the first place.</p>
<p style="text-align: right;">Page 18</p> <p>1 A He made disclosures to Randy Ward.</p> <p>2 <b>Q And how do you know that?</b></p> <p>3 A Randy Ward called me after I had my last day at Olympic</p> <p>4 Panel, and told me that he had never believed me about my</p> <p>5 story, he thought I was just trying to get time off of</p> <p>6 work.</p> <p>7 <b>Q So you never had a discussion with Dwight Midles. What</b></p> <p>8 <b>you know about Dwight Midles you heard from Randy Ward?</b></p> <p>9 MR. BONIN: Object to the form.</p> <p>10 THE WITNESS: I never had a personal</p> <p>11 conversation with Dwight Midles.</p> <p>12 <b>Q (By Mr. Ellsworth) Okay. And what did Randy Ward tell</b></p> <p>13 <b>you that Dwight had said about your rape?</b></p> <p>14 A Randy Ward had told me that he never believed me on my</p> <p>15 story about the rape, and that I was just trying to get</p> <p>16 time off of work.</p> <p>17 <b>Q And other than Toinette Wines, are you alleging that Mel</b></p> <p>18 <b>Matson disclosed your rape to anybody else at OPP?</b></p> <p>19 A Toinette Wines is the only one he told me personally</p> <p>20 about.</p> <p>21 <b>Q Okay. Is there anyone else that you believe he told it</b></p> <p>22 <b>to?</b></p> <p>23 A I believe he told it to the whole plant.</p> <p>24 <b>Q Okay. Can you give me any facts that would support that</b></p> <p>25 <b>belief?</b></p>	<p style="text-align: right;">Page 20</p> <p>1 MR. ELLSWORTH: Of course it's</p> <p>2 leading, Counselor. She's the plaintiff in the case.</p> <p>3 MR. BONIN: Counsel, in the last</p> <p>4 deposition, taken yesterday, I asked you if you wanted to</p> <p>5 do a standing objection to the issue of leading</p> <p>6 questions. And you said no, you must enter objections to</p> <p>7 every question that was asked.</p> <p>8 MR. ELLSWORTH: She was a witness,</p> <p>9 Counsel. She wasn't a party.</p> <p>10 MR. BONIN: I'm not going to have a</p> <p>11 debate with you. I'm going to enter my objections. I'm</p> <p>12 objecting to the form of your question.</p> <p>13 <b>Q (By Mr. Ellsworth) So did you have a feeling that</b></p> <p>14 <b>Mr. Matson told Ms. -- allegedly told Ms. Wines about</b></p> <p>15 <b>your rape because he was attempting to be malicious?</b></p> <p>16 MR. BONIN: Objection to the form of</p> <p>17 the question.</p> <p>18 THE WITNESS: I don't know what he was</p> <p>19 trying to do.</p> <p>20 <b>Q (By Mr. Ellsworth) Did you have -- did he appear that he</b></p> <p>21 <b>was trying to be solicitous and helpful to you?</b></p> <p>22 MR. BONIN: Objection to the form of</p> <p>23 the question.</p> <p>24 THE WITNESS: I don't know.</p> <p>25 <b>Q (By Mr. Ellsworth) So it's the fact that you think he</b></p>

<p style="text-align: right;">Page 21</p> <p>1 disclosed something to Ms. Wines that you're unhappy 2 about?</p> <p>3 A Yes.</p> <p>4 MR. BONIN: Objection to the form of 5 the question.</p> <p>6 Q (By Mr. Ellsworth) Okay. But you have no -- you don't 7 have any belief, one way or the other, whether he was 8 doing it to assist you to come back in the workplace or 9 for any other reason?</p> <p>10 MR. BONIN: Objection to the form.</p> <p>11 THE WITNESS: I believe that Mel 12 Matson should have asked my permission before he 13 disclosed that information.</p> <p>14 Q (By Mr. Ellsworth) Okay. And tell me, in as much detail 15 as you can recall, when you came back to work and you met 16 with Mel Matson, describe that conversation for me.</p> <p>17 A When I went back to work, I had a conversation with him. 18 It was very brief. I gave him the police report. He 19 asked me if I was okay. I said yes. He told me that he 20 had told Toinette Wines, and that she should be -- she 21 would be a good person to go to and talk to, and then I 22 was on my way.</p> <p>23 Q Okay. Did you tell him at that time, "You shouldn't have 24 told Toinette Wines anything about this"?</p> <p>25 A I didn't say anything.</p>	<p style="text-align: right;">Page 23</p> <p>1 cannot remember to this day.</p> <p>2 Q (By Mr. Ellsworth) Did he say, "I told Toinette Wines 3 you'd been raped"?</p> <p>4 A I -- like I just said, I cannot remember to this day what 5 his exact words were.</p> <p>6 Q Okay. And did you ever ask Toinette Wines what Mel 7 Matson said to her?</p> <p>8 A I never wanted to bring it up. It's a little 9 embarrassing.</p> <p>10 Q Okay. So you don't know whether Mel Matson said anything 11 about your rape to Toinette Wines?</p> <p>12 MR. BONIN: Objection to the form.</p> <p>13 THE WITNESS: Toinette Wines knew 14 about it. She did not tell me specifics of what he said. 15 But we had lunch a couple times, and I could tell she 16 knew because she just -- the way she acted, the way -- 17 she asked me if I was okay, that she had been there 18 before, it's happened to her before. She told me stories 19 about her. Obviously she knew.</p> <p>20 Q (By Mr. Ellsworth) But the subject of your rape was 21 never raised by either you or Toinette Wines?</p> <p>22 MR. BONIN: Objection to the form.</p> <p>23 THE WITNESS: I did not tell her 24 specifics of my situation, no.</p> <p>25 MR. BONIN: Compound question.</p>
<p style="text-align: right;">Page 22</p> <p>1 Q Okay.</p> <p>2 A I was more in shock than anything else.</p> <p>3 Q And then did you go talk to Toinette Wines?</p> <p>4 A Not about the rape, no.</p> <p>5 Q Did you ever tell Toinette Wines that you had been 6 subject to a rape?</p> <p>7 A No, I did not.</p> <p>8 Q Other than what you've just told me Mel Matson said, did 9 he say anything else to you?</p> <p>10 MR. BONIN: Objection to the form.</p> <p>11 THE WITNESS: Mel Matson didn't say 12 anything at that time that I can remember.</p> <p>13 Q (By Mr. Ellsworth) So he just said Toinette Wines would 14 be a good person to talk to. And what did he say --</p> <p>15 MR. BONIN: Objection to the form.</p> <p>16 Mischaracterizes of testimony.</p> <p>17 Q (By Mr. Ellsworth) Did he say, "I told Ms. Toinette 18 Wines that you had been raped," or did he tell you that 19 Toinette Wines was a good person to talk to? What did he 20 say?</p> <p>21 A Mel Matson said that he had told Toinette Wines about my 22 situation and that she would be a good person to talk to.</p> <p>23 Q About your situation.</p> <p>24 MR. BONIN: Objection to the form.</p> <p>25 THE WITNESS: Not exact words. I</p>	<p style="text-align: right;">Page 24</p> <p>1 Q (By Mr. Ellsworth) Now, you sued Mr. Matson and 2 Mr. Midles for the tort of intentional infliction of 3 emotional distress.</p> <p>4 What did Mr. Midles do that inflicted -- that you 5 believe intentionally inflicted emotional distress on 6 you?</p> <p>7 A Mr. Midles never wanted to hire me in the first place, 8 and then the comments he made to Randy Ward were pretty 9 distressing, as well.</p> <p>10 Q And what did Mr. Matson do that you allege intentionally 11 inflicted emotional distress upon you?</p> <p>12 A Mr. Matson told Toinette Wines about my situation. I 13 asked him for help with the situations I was going with 14 on the floor, and he told me it didn't matter, and not to 15 care.</p> <p>16 Q Did Mr. Matson ever say anything to you that you found 17 sexually offensive?</p> <p>18 A He did not say anything to me, no. But Randy Ward, when 19 he did the flashing gesture in front of Mel Matson and 20 Larry Brown, they were laughing, and they had a 21 conversation which I was later told about.</p> <p>22 Q Did Mr. Matson ever engage in any conduct towards you 23 that you found to be sexually offensive?</p> <p>24 A No.</p> <p>25 Q Is your allegation against Mr. Matson simply that he</p>

<p style="text-align: right;">Page 25</p> <p>1 didn't follow up on the complaints that you were making?</p> <p>2 MR. BONIN: Objection to the form of</p> <p>3 the question.</p> <p>4 THE WITNESS: That is not my only</p> <p>5 complaint, no.</p> <p>6 Q (By Mr. Ellsworth) Other than -- then what is your</p> <p>7 complaint? If it's not what he said to you or what he</p> <p>8 did to you, and not following up on your complaints, what</p> <p>9 else did Mr. Matson do?</p> <p>10 A My complaint about Mel Matson is that -- the conversation</p> <p>11 he had with Randy Ward. They never -- neither -- one</p> <p>12 of -- nobody in management ever followed up with me about</p> <p>13 my complaints. He told a lady that got -- helped me get</p> <p>14 the job that he never wanted to hire me in the first</p> <p>15 place.</p> <p>16 Q Now, this conversation with Randy Ward and the</p> <p>17 conversation --</p> <p>18 MR. BONIN: Counsel, you've</p> <p>19 interrupted Ms. -- Ms. Olson.</p> <p>20 Did you have more that you wanted to say,</p> <p>21 Mrs. Olson?</p> <p>22 Q (By Mr. Ellsworth) Were you still answering?</p> <p>23 MR. BONIN: You're --</p> <p>24 Q (By Mr. Ellsworth) I didn't mean to cut you off. If you</p> <p>25 had an answer, please finish.</p>	<p style="text-align: right;">Page 27</p> <p>1 THE WITNESS: -- was the one that</p> <p>2 helped me get the job. And she had told me she had to go</p> <p>3 talk to Dwight to ask him to give me a chance because he</p> <p>4 did not want to hire me.</p> <p>5 Q (By Mr. Ellsworth) What's that got to do with Mel</p> <p>6 Matson?</p> <p>7 A With Mel Matson? Nothing.</p> <p>8 Q Okay. So have you told -- have I exhausted all of the</p> <p>9 issues that you have with Mel Matson?</p> <p>10 MR. BONIN: Objection to the form of</p> <p>11 the question.</p> <p>12 THE WITNESS: No.</p> <p>13 MR. BONIN: Vague.</p> <p>14 Q (By Mr. Ellsworth) Okay. What other issues did you have</p> <p>15 with Mel Matson?</p> <p>16 A I went to him three times, asking for his help. And he</p> <p>17 told me it didn't matter, not to care, don't worry about</p> <p>18 it. Tell them you had a boyfriend.</p> <p>19 Q So you were making complaints to Mr. Matson, and</p> <p>20 Mr. Matson wasn't following up on your complaints; is</p> <p>21 that --</p> <p>22 A Not at all.</p> <p>23 Q Okay. So that's the issue you have with Mr. Matson?</p> <p>24 MR. BONIN: Counsel, I'm going to ask</p> <p>25 that you please allow a reasonable opportunity, at least</p>
<p style="text-align: right;">Page 26</p> <p>1 A I don't remember what I was saying, so I guess I'm done.</p> <p>2 Q What was the conversation with Randy Ward and Mel Matson</p> <p>3 that you're referring to?</p> <p>4 A The conversation I'm referring to is the one when Randy</p> <p>5 Ward called me on my last day at OPP and told me that</p> <p>6 Randy -- or Mr. Middles and Dwight were -- Mel Matson and</p> <p>7 Dwight were very -- were happy that I was gone because he</p> <p>8 had never believed me and my story on the rape, I was</p> <p>9 just trying to get time off.</p> <p>10 Q So you heard about Mr. Matson from Randy Ward?</p> <p>11 A Yes, I did.</p> <p>12 Q Okay. And you never had a discussion with Mr. Matson --</p> <p>13 well, strike that.</p> <p>14 Conversation with another woman about your being</p> <p>15 hired --</p> <p>16 MR. BONIN: I'm sorry; did you strike</p> <p>17 a question, Counsel?</p> <p>18 MR. ELLSWORTH: Yes.</p> <p>19 MR. BONIN: Okay.</p> <p>20 Q (By Mr. Ellsworth) A conversation with another -- you</p> <p>21 referred to a conversation with another woman about your</p> <p>22 being hired.</p> <p>23 What was that about?</p> <p>24 A Janine LeBay --</p> <p>25 MR. BONIN: Objection to the form.</p>	<p style="text-align: right;">Page 28</p> <p>1 some measure of a gap between questions because it is</p> <p>2 absolutely clear to me that you are cutting her off.</p> <p>3 Q (By Mr. Ellsworth) If I'm cutting you off, just tell me.</p> <p>4 It's not my intention.</p> <p>5 A I will.</p> <p>6 Q So the issue you had with Mr. Matson was, you were</p> <p>7 bringing concern to him of other employees, and he wasn't</p> <p>8 investigating them and was being dismissive of your</p> <p>9 complaints; is that the gist of what your problem with</p> <p>10 Mr. Matson was?</p> <p>11 A That is correct.</p> <p>12 Q Is the answer yes?</p> <p>13 A Yes.</p> <p>14 Q How many times did you meet with Mr. Matson to express</p> <p>15 your concerns?</p> <p>16 A I can remember meeting with him three times.</p> <p>17 Q Tell me about the first time.</p> <p>18 A The first time I met with him, I told him about some of</p> <p>19 the situations that were going on, and I told them to</p> <p>20 stop and they weren't stopping, and I needed him to talk</p> <p>21 to them, to tell them to leave me alone. And he told me</p> <p>22 that it didn't matter, don't worry about it, it's not a</p> <p>23 big deal.</p> <p>24 Q When, approximately --</p> <p>25 MR. BONIN: Again, Counsel --</p>

Page 33

1 A I never told him he had a heart attack. I told him he  
 2 was in the hospital because he had either high blood  
 3 pressure or a heart problem.  
 4 **Q Did Dwight Middles ever say anything to you that you found**  
 5 **sexually offensive?**  
 6 A No.  
 7 **Q Did he ever engage in any conduct towards you that you**  
 8 **found sexually offensive?**  
 9 A He never did engage in any conduct, no.  
 10 MR. ELLSWORTH: Let's take a break for  
 11 a minute.  
 12 (Recess from 10:30 a.m. to  
 13 10:37 a.m.)  
 14 EXAMINATION (Continuing)  
 15 BY MR. ELLSWORTH:  
 16 **Q When did you first apply for a job at the casino?**  
 17 A I believe I first applied June, early July.  
 18 **Q When were you told that you would be getting the job?**  
 19 A Well, I guess it was -- I applied in June because I first  
 20 heard in July.  
 21 **Q Have you ever been over to Randy Ward's house for a meal?**  
 22 A After the Log Cabin, he did proceed to take me to his  
 23 house, and I had my friend pick me up from his house.  
 24 **Q Did you voluntarily go to his house?**  
 25 A I didn't know we were going there, no.

Page 34

1 **Q Did you ask him to take you someplace else?**  
 2 A No, I did not.  
 3 **Q Did you share a locker at work with Randy Ward?**  
 4 A I did not share a locker.  
 5 **Q Did you ever keep your purse in his locker?**  
 6 A I think I might have once, but I never brought my purse  
 7 in to work.  
 8 **Q Did you ever put any personal effects into Randy Ward's**  
 9 **locker?**  
 10 A I never brought anything in to work.  
 11 **Q So you never put anything in his locker?**  
 12 MR. BONIN: Objection to the form of  
 13 the question. Asked and answered.  
 14 THE WITNESS: I stated before that I  
 15 might have put my purse in there once, but I never  
 16 brought personal things in to work.  
 17 **Q (By Mr. Ellsworth) To put something in his locker even**  
 18 **once, would you have had to ask him to do that?**  
 19 A Yes, I would have.  
 20 **Q Weren't there other people who you could have asked to**  
 21 **put something in their locker?**  
 22 A There was plenty of people that I could have put their  
 23 locker in, but I never brought anything in to work.  
 24 **Q But you put your purse into Randy Ward's locker once?**  
 25 A I said I might have once.

Page 35

1 **Q Did you call Randy Ward after you quit OPP?**  
 2 A No, I did not. He called me.  
 3 **Q Did you ever ask Frank Dilbert to ask Sean Scupine to ask**  
 4 **you out on a date?**  
 5 A No, I did not.  
 6 **Q Did you ever call Toinette Wines on your phone?**  
 7 A I think I called her to make sure she was still coming to  
 8 the casino. We had lunch once there.  
 9 **Q How would you describe your relationship with her?**  
 10 A Toinette was a girl I worked with. I thought she was  
 11 nice. We had lunch twice.  
 12 **Q Did you have lunch with any other women at OPP?**  
 13 A I had lunch with Rhonda Williams one time when she was  
 14 training me.  
 15 **Q Did you have any reason to believe that Toinette Wines**  
 16 **would be hostile to you in any way?**  
 17 MR. BONIN: Object to the form.  
 18 THE WITNESS: Not at the time.  
 19 **Q (By Mr. Ellsworth) Do you have any reason to believe**  
 20 **that Toinette Wines wouldn't tell the truth --**  
 21 MR. BONIN: Objection to the form of  
 22 the question.  
 23 **Q (By Mr. Ellsworth) -- about what she knows about this**  
 24 **case?**  
 25 A I don't know Toinette Wines well enough to know.

Page 36

1 **Q Did you ever bring a breakfast sandwich to Rick**  
 2 **Brookhauser at work?**  
 3 A I brought breakfast sandwiches in for myself.  
 4 **Q Did you bring them for Rick Brookhauser?**  
 5 A Not that I can remember.  
 6 **Q Did you ever bring one in for Randy Ward?**  
 7 A I might have. Not that I can remember. I worked at Jack  
 8 in the Box. I brought sandwiches in every morning.  
 9 **Q Did you and Randy Ward and Rick Brookhauser ever go look**  
 10 **at a truck together that you were thinking of buying**  
 11 **after you'd wrecked your car?**  
 12 MR. BONIN: Object to the form.  
 13 THE WITNESS: No.  
 14 MR. ELLSWORTH: I believe that's all  
 15 the questions I have.  
 16 MR. BONIN: According to the Court's  
 17 scheduling order, the conduct of depositions in multi-  
 18 defendant litigation, one counsel is supposed to ask all  
 19 questions. I've entered an objection previously. I'm  
 20 entering it now.  
 21 MR. HANBEY: It's been noted for the  
 22 record.  
 23 MR. ELLSWORTH: I have no obligation  
 24 to ask questions to defend Mr. Hanbey's clients.  
 25 MR. BONIN: I'm not here to engage in

1       STATE OF WASHINGTON )     I, Cindy M. Koch, CCR, RPR, CRR, CLR,  
2                                 ) ss CCR # 2357, a duly authorized  
3       County of Pierce     )     Notary Public in and for the State  
4                                 )     of Washington, residing at  
5                                 )     University Place, do hereby  
6                                 )     certify:

7               That the foregoing deposition of SARAH OLSON was  
8       taken before me and completed on October 16, 2008, and  
9       thereafter was transcribed under my direction; that the  
10      deposition is a full, true and complete transcript of the  
11      testimony of said witness, including all questions, answers,  
12      objections, motions and exceptions;

13              That the witness, before examination, was by me  
14      duly sworn to testify the truth, the whole truth, and  
15      nothing but the truth, and that the witness reserved the  
16      right of signature;

17              That I am not a relative, employee, attorney or  
18      counsel of any party to this action or relative or employee  
19      of any such attorney or counsel and that I am not  
20      financially interested in the said action or the outcome  
21      thereof;

22              That I am herewith securely sealing the said  
23      deposition and promptly delivering the same to  
24      Attorney Lewis Lynn Ellsworth.

25              IN WITNESS WHEREOF, I have hereunto set my hand  
            and affixed my official seal this         day of  
  , 2008.

\_\_\_\_\_  
Cindy M. Koch, CCR, RPR, CRR, CLR,  
Notary Public in and for the State  
of Washington, residing at  
University Place.



Page 1	Page 3																																						
<p>UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA</p> <hr/> <p>SARAH OLSON f/k/a Sarah Grinenko, ) Plaintiff, ) vs. ) No. C-07-5402</p> <p>OLYMPIC PANEL PRODUCTS, LLC a ) Washington State Limited ) Liability Company, Dwight Midles ) and "Jane Doe" Midles, ) individually and in the marital ) community composed thereof, ) Mel Matson and "Jane Doe" ) Matson, individually and in the ) marital community composed ) thereof, Sean Scupine and "Jane ) Doe" Scupine, individually and ) in the marital community ) composed thereof, Shane ) Scupine and "Jane Doe" Scupine, ) individually and in the marital ) community composed thereof, ) Brandon "Bling" Thompson and ) "Jane Doe" Thompson individually ) and in the marital community ) composed thereof, Raymond Doyle ) and "Jane Doe" Doyle individually ) and in the marital community ) composed thereof, Robert "Bob" ) Pierson and "Jane Doe" Pierson, ) individually and in the marital )</p>	<p>1 APPEARANCES</p> <p>2 For the Plaintiff: Mr. John R. Bonin</p> <p>3 Bonin &amp; Cook, PS</p> <p>4 Attorneys at Law</p> <p>5 1800 Olympic Hwy S., Ste 1,2,3</p> <p>6 Shelton, WA 98584</p> <p>7 For the Defendants: Mr. Rick Cordes</p> <p>8 Cordes, Brandt, PLLC</p> <p>9 Attorneys at Law</p> <p>10 2625 B. Parkmont Lane SW</p> <p>11 Olympia, WA 98502</p> <p>12 Ms. Elizabeth P. Martin</p> <p>13 Gordon, Thomas, Honeywell,</p> <p>14 Malanca, Peterson &amp; Daheim</p> <p>15 Attorneys at Law</p> <p>16 1201 Pacific Ave, Ste. 2100</p> <p>17 Tacoma, WA 98401</p>																																						
Page 2	Page 4																																						
<p>1 community composed thereof, )</p> <p>2 Eric Dobson and "Jane Doe" )</p> <p>3 Dobson, individually and in the )</p> <p>4 marital community composed )</p> <p>5 thereof, and The International )</p> <p>6 Association of Machinists, )</p> <p>7 Woodworkers Local Lodge W-38, )</p> <p>8 Defendants. )</p> <p>9</p> <p>10 CONTINUING DEPOSITION OF RANDY WARD</p> <p>11</p> <p>12 Deposition taken at: 1800 Olympic Hwy South</p> <p>13 Shelton, WA 98584</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Deposition Taken: July 25, 2008 1:00 PM</p> <p>Reported by Karle A. Taylor, License #3081</p>	<p>1 INDEX</p> <p>2 EXAMINATION BY MR. BONIN: ----- 5 - 189</p> <p>3 EXAMINATION BY MR. CORDES: ----- No Examination</p> <p>4 EXAMINATION BY MS. MARTIN: ----- No Examination</p> <p>5 REPORTER'S CERTIFICATE: ----- 192</p> <p>6 EXHIBITS</p> <table border="1"> <thead> <tr> <th>Exhibit #</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>8 1</td> <td>OPP Forms</td> </tr> <tr> <td>9 2</td> <td>OPP Form</td> </tr> <tr> <td>10 3</td> <td>Supervisor Action Form</td> </tr> <tr> <td>11 4</td> <td>OPP Forms</td> </tr> <tr> <td>12 5</td> <td>Handwritten letter</td> </tr> <tr> <td>13</td> <td></td> </tr> <tr> <td>14</td> <td></td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16</td> <td></td> </tr> <tr> <td>17</td> <td></td> </tr> <tr> <td>18</td> <td></td> </tr> <tr> <td>19</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> <tr> <td>25</td> <td></td> </tr> </tbody> </table>	Exhibit #	Description	8 1	OPP Forms	9 2	OPP Form	10 3	Supervisor Action Form	11 4	OPP Forms	12 5	Handwritten letter	13		14		15		16		17		18		19		20		21		22		23		24		25	
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EXHIBIT B

(Pages 1 to 4)

<p style="text-align: right;">Page 161</p> <p>1 Q. Is it scheduled?</p> <p>2 A. Yes.</p> <p>3 Q. Is it a listed schedule; you are on spreader number?</p> <p>4 A. For the most part.</p> <p>5 Q. The spreader you are talking about, I don't want to</p> <p>6 walk by that spreader, what spreader number was it?</p> <p>7 A. Five.</p> <p>8 Q. And you were on spreader number?</p> <p>9 A. Four. Maybe three. There might have been one in</p> <p>10 between us, but it would have been empty.</p> <p>11 Q. During this 15 minute conversation you didn't discuss</p> <p>12 with her why she was leaving?</p> <p>13 A. Yeah, I tried to. I think I told her I was glad for</p> <p>14 her. I was happy that she was getting out of there</p> <p>15 because it seemed like things weren't working out real</p> <p>16 well for her there. She seemed to have a lot more</p> <p>17 complaints about working there in general. Nothing in</p> <p>18 the sexual form. Just individuals -- just people, and</p> <p>19 it seemed like it was a go no where deal for her.</p> <p>20 Q. What complaints are you talking about?</p> <p>21 A. Well, I'm just saying -- let me rephrase that and say,</p> <p>22 she just didn't seem real happy.</p> <p>23 Q. What causes you to believe that? What did she say to</p> <p>24 you?</p> <p>25 A. I am no shrink. I don't know. She just didn't seem</p>	<p style="text-align: right;">Page 163</p> <p>1 Scupine brothers?</p> <p>2 A. No.</p> <p>3 Q. Go out and socialize with them; do you know anything</p> <p>4 about that?</p> <p>5 A. No.</p> <p>6 Q. Do you know who Kecia Johnson is?</p> <p>7 A. No.</p> <p>8 Q. Do you know who Christine Hoyt is?</p> <p>9 A. No.</p> <p>10 Q. Do you know who Sunshine Spurgeon is?</p> <p>11 A. No, they were all gone before I got there.</p> <p>12 Q. When you go to work is there a bulletin board in break</p> <p>13 rooms where things are posted?</p> <p>14 A. There is a bulletin board down below where jobs and</p> <p>15 such are posted and thank you letters and overtime</p> <p>16 notes and stuff like that.</p> <p>17 Q. Is there anything posted about this litigation?</p> <p>18 MS. MARTIN: Objection. Form.</p> <p>19 A. Not that I know of. I haven't seen it.</p> <p>20 Q. Is there anything posted about this litigation?</p> <p>21 A. No, I haven't seen that.</p> <p>22 Q. Have you ever seen it posted anywhere in the plant?</p> <p>23 A. No.</p> <p>24 Q. You had many telephone conversations with Sarah</p> <p>25 Grinenko as I understand from your testimony?</p>
<p style="text-align: right;">Page 162</p> <p>1 real happy with the Scupines and stuff she said was</p> <p>2 going on.</p> <p>3 Q. What stuff with the Scupines?</p> <p>4 A. We already talked about this. You're wasting me and</p> <p>5 my lawyer's time here. We have already talked about</p> <p>6 this. There was that rumor that she said that she</p> <p>7 heard about the Scupines having a contest on who would</p> <p>8 date her, and you know --</p> <p>9 Q. What else?</p> <p>10 A. Just some of that stuff we talked about this unwanted</p> <p>11 advice from Bob Pierson.</p> <p>12 Q. You use the word complaints plural. Are those the</p> <p>13 only complaints you talked to her about?</p> <p>14 A. Well, she just didn't seem real happy there. She</p> <p>15 talked about going back to school at Centralla</p> <p>16 College, and to me that seemed like that would be a</p> <p>17 better deal for her, truth.</p> <p>18 Q. Do know who is dating who at work?</p> <p>19 A. No, not really.</p> <p>20 Q. Do you know Karissa Compton?</p> <p>21 A. I do. I know who she is.</p> <p>22 Q. Do you know who she was dating for a while?</p> <p>23 MS. MARTIN: Objection. Form.</p> <p>24 A. I have no idea.</p> <p>25 Q. Do you know whether or not she ever dated one of the</p>	<p style="text-align: right;">Page 164</p> <p>1 A. Well, I would say several.</p> <p>2 Q. Do you deny telling Sarah Grinenko that Mr. Matson</p> <p>3 talked to you about his being glad --</p> <p>4 A. Absolutely.</p> <p>5 Q. Let me finish the question.</p> <p>6 A. Sorry, sir.</p> <p>7 Q. -- his being glad that Sarah Grinenko was gone; do you</p> <p>8 deny making a personal phone call to her saying that?</p> <p>9 A. Absolutely.</p> <p>10 Q. Do you deny having told Sarah Grinenko that Mr. Matson</p> <p>11 reported to you that Mr. Midles said that he was glad</p> <p>12 that she was gone?</p> <p>13 A. Absolutely.</p> <p>14 Q. Do you deny that Mr. Matson reported to you that</p> <p>15 Mr. Midles had said that he never believed the story</p> <p>16 about the rape anyway?</p> <p>17 A. Absolutely.</p> <p>18 Q. Did you and Mr. Matson ever have a conversation about</p> <p>19 the rape?</p> <p>20 A. No.</p> <p>21 Q. Did you and Mr. Midles ever have a conversation about</p> <p>22 the rape?</p> <p>23 A. No. Well, maybe when this whole thing arose, I think.</p> <p>24 I don't call it a conversation. It was pretty one</p> <p>25 way.</p>

<p style="text-align: right;">Page 165</p> <p>1 <b>Q. One way, what do you mean?</b></p> <p>2 A. Well, he was asking the questions, and I was answering</p> <p>3 them, as I recall, and I could be dead wrong about</p> <p>4 that but this was -- just seemed -- maybe not. I</p> <p>5 don't know. I don't recall, but I don't recall</p> <p>6 talking to anybody about that ever at that mill. It</p> <p>7 seemed like that and I may have brought that up. I</p> <p>8 don't know for sure.</p> <p>9 <b>Q. Were you on the same shift with Ms. Grinenko when</b></p> <p>10 <b>there was discussions about her 21st birthday?</b></p> <p>11 A. I do recall our birthdays are only a couple of days</p> <p>12 apart.</p> <p>13 <b>Q. When did you learn that?</b></p> <p>14 A. I just remember her saying her birthday was like</p> <p>15 August 2nd.</p> <p>16 <b>Q. And your birthday is?</b></p> <p>17 A. 7th.</p> <p>18 <b>Q. Do you remember when that conversation in the course</b></p> <p>19 <b>of all this happened?</b></p> <p>20 A. No, sir.</p> <p>21 <b>Q. You haven't talked to her about this litigation, have</b></p> <p>22 <b>you?</b></p> <p>23 A. I just about did last Saturday night, but no, I</p> <p>24 haven't. I just bumped into Sarah at the casino, my</p> <p>25 wife and I.</p>	<p style="text-align: right;">Page 167</p> <p>1 personal things in the locker because she had nowhere</p> <p>2 to put them once they moved her to the spreaders.</p> <p>3 Actually there is still some of her things in my</p> <p>4 locker.</p> <p>5 <b>Q. At any time did you ever hear the following words, you</b></p> <p>6 <b>won't believe what that bitch does on liquor?</b></p> <p>7 A. I don't recall that.</p> <p>8 <b>Q. When you say you don't recall it --</b></p> <p>9 A. I don't recall.</p> <p>10 <b>Q. It never happened or you just don't recall?</b></p> <p>11 A. I don't recall. I don't recall anybody saying that to</p> <p>12 me. I --</p> <p>13 <b>Q. Where is your union grievance now?</b></p> <p>14 A. They called me in and wanted to know if -- they were</p> <p>15 trying to make a big push on getting this thing</p> <p>16 through right away, and I was sick. They called me</p> <p>17 actually when I was sick, and they said that the</p> <p>18 grievance was at the end of the line type thing, and</p> <p>19 they said I got the least amount of punishment that I</p> <p>20 could get for something like that. A written notice</p> <p>21 was no more than nothing, and that if they took it to,</p> <p>22 I think the word the guy used was arbitration, and</p> <p>23 they found in favor of the company that might not be a</p> <p>24 good thing in this court thing. So, they said we are</p> <p>25 going to change the wording around to this to say that</p>
<p style="text-align: right;">Page 166</p> <p>1 <b>Q. That's right you and another person at OPP spend a lot</b></p> <p>2 <b>of time at that casino, don't you?</b></p> <p>3 MS. MARTIN: Objection to form.</p> <p>4 A. God no. No. Hell no. Totally wrong.</p> <p>5 <b>Q. But you know she works there?</b></p> <p>6 A. I do now. Actually somebody said they saw her there,</p> <p>7 too.</p> <p>8 <b>Q. Who?</b></p> <p>9 A. I don't recall.</p> <p>10 <b>Q. Did you see her there while she was pregnant?</b></p> <p>11 A. No, but I heard she was pregnant and had a baby.</p> <p>12 <b>Q. You are denying that Ms. Grinenko told you that you</b></p> <p>13 <b>needed to stop it?</b></p> <p>14 A. Absolutely.</p> <p>15 <b>Q. How many other people out there share lockers?</b></p> <p>16 A. I have no idea.</p> <p>17 <b>Q. More than one? More than one other?</b></p> <p>18 A. I think so.</p> <p>19 <b>Q. Are there a limited number of lockers?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. Less lockers than employees?</b></p> <p>22 A. Yes, I think. They had a big push here not too long</p> <p>23 ago where they wanted your name on the locker.</p> <p>24 <b>Q. Did she ask you or did you offer?</b></p> <p>25 A. No, she asked me if she could keep her purse and</p>	<p style="text-align: right;">Page 168</p> <p>1 you allegedly told Rick Brookhouser to look at that</p> <p>2 picture. The big word there is allegedly, and I</p> <p>3 wasn't feeling -- I said, whatever. Whatever. It</p> <p>4 didn't matter.</p> <p>5 <b>Q. Who told you that they were going to change the</b></p> <p>6 <b>wording because they were worried about the court</b></p> <p>7 <b>thing?</b></p> <p>8 A. I don't know. Somebody called me. I think it was</p> <p>9 somebody out of Portland. I don't know.</p> <p>10 <b>Q. Was it Wayne Thompson?</b></p> <p>11 A. I don't recall.</p> <p>12 <b>Q. Was it Chuck McRay?</b></p> <p>13 A. I don't recall.</p> <p>14 <b>Q. Was it Don Willner?</b></p> <p>15 A. I don't think I have ever talked to him. I would like</p> <p>16 to, but I don't think I have.</p> <p>17 <b>Q. Why would you like to talk to him?</b></p> <p>18 A. I don't know. It seems like he's got his poop in a</p> <p>19 pile.</p> <p>20 <b>Q. What makes you think that?</b></p> <p>21 A. I don't know. He's an old guy. You know, I like old</p> <p>22 guys. We have to take care of our senior citizens.</p> <p>23 <b>Q. So you have met him?</b></p> <p>24 A. No.</p> <p>25 <b>Q. How do you know he's an old guy?</b></p>

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1 what you are saying?	1 CORRECTION SHEET
2 MR. CORDES: He has got it.	2
3 MR. BONIN: I need your complete supervisory	3 CASE NAME: Olson v. OPP
4 file.	4 DEPOSITION OF: Randy Ward
5 MR. CORDES: Don't worry about it. He's got it.	5
6 His signature is being reserved.	6 DATE TAKEN: July 25, 2008
7 [Signature reserved]	7 REPORTER: Karle A. Taylor
8 [Deposition ended at 5:13 p.m.]	8
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1 10716 "A" Street South, Suite 4	1 CERTIFICATE
2 Tacoma, Washington 98444	2 STATE OF WASHINGTON )
3 Seattle: (253) 838-1282 Tacoma: (253)627-7129	3 ) SS.
4	4 COUNTY OF PIERCE )
5 September 24, 2008	5 THIS IS TO CERTIFY that I, Karle A. Taylor, Notary
6 Mr. Rick Cordes	6 Public in and for the State of Washington, residing at
7 2625 B Parkmont Lane SW	7 Bonney Lake, reported the foregoing deposition; said
8 Olympia, WA 98502	8 deposition being taken before me as a Notary Public on the
9 Dear Mr. Cordes,	9 date herein set forth; that the witness was first by me
10 You have received a copy of your client's deposition.	10 duly sworn; that said deposition was taken by me in
11 Since he did not waive signature, we are now requesting	11 shorthand and thereafter transcribed by me, and that same
12 that he read and sign this deposition.	12 is a full, true and correct record of the testimony of
13 Please do not make any marks on this transcript. All	13 said witness, including all questions, answers and
14 corrections are to be made on the attached correction	14 objections, if any, of counsel.
15 sheet, where you will indicate the page, line number and	15 I further certify that I am not a relative or employee
16 reason for any change you have made. Please sign this	16 or attorney or counsel of any of the parties, nor am I
17 correction sheet whether you made any changes or not.	17 financially interested in the outcome of the cause. IN
18 This correction sheet will be filed with your deposition	18 WITNESS WHEREOF I have hereunto set my hand and affixed my
19 after copies have been made for each attorney.	19 official seal this 24th day of September, 2008.
20 Please return to this office within 30 days at 10716 "A"	20
21 Street South, Suite 4, Tacoma, Washington 98444.	21
22 Sincerely,	22
23 Karle Taylor	23
24 Groshong-Quaintance	24
25 Court Reporters	25